

1 AN ACT relating to electric vehicle infrastructure tax credits.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "CCS1 connector" means a direct current fast charger that provides*  
7 *electricity to an electric vehicle at a charge rate of at least seventy-five (75)*  
8 *kilowatts per hour and at least four hundred (400) volts and requires a*  
9 *dedicated circuit;*

10 *(b) "DCFC charging station" means a direct current fast charging electric*  
11 *vehicle charging station with a CCS1 connector; and*

12 *(c) "Level 2 charging station" means an electric vehicle charging station that*  
13 *provides electricity to an electric vehicle by at least two hundred eight (208)*  
14 *volts and requires a dedicated circuit.*

15 *(2) For taxable years beginning on or after January 1, 2022, but before January 1,*  
16 *2026, an eligible taxpayer shall be entitled to a nonrefundable electric vehicle*  
17 *infrastructure credit against the taxes imposed by KRS 141.020 or 141.040 and*  
18 *141.0401, with the ordering of credits as provided in Section 2 of this Act, in an*  
19 *amount equal to thirty percent (30%) of the qualified expenditures paid or*  
20 *incurred by the taxpayer during the taxable year, up to:*

21 *(a) One thousand dollars (\$1,000) for the residential installation of a level 2*  
22 *charging station; and*

23 *(b) Thirty thousand dollars (\$30,000) for the installation of a DCFC charging*  
24 *station.*

25 *(3) In order for the General Assembly to evaluate the effectiveness of this tax credit,*  
26 *the department shall provide the following information on a cumulative basis on*  
27 *or before December 1, 2023, and on or before each December 1 thereafter, as*

- 1        **long as this credit may be claimed on a tax return:**
- 2        **(a) The total amount of tax credits claimed by owners for each taxable year;**
- 3        **(b) The total amount of tax credit claimed for level 2 charging stations;**
- 4        **(c) The total amount of tax credit claimed for DCFC charging stations;**
- 5        **(d) The total amount of the tax credit claimed by county, as identified by the**
- 6                **mailing address on the return filed for each taxable year or period; and**
- 7        **(e) Based on ranges of adjusted gross income of no larger than five thousand**
- 8                **dollars (\$5,000) for the taxable year, the total amount of credits claimed and**
- 9                **the number of returns claiming a tax credit for each adjusted gross income**
- 10                **range.**

11        ➔Section 2. KRS 141.0205 is amended to read as follows:

12        If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax

13        imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of

14        the credits shall be determined as follows:

- 15        (1) The nonrefundable business incentive credits against the tax imposed by KRS
- 16                141.020 shall be taken in the following order:
- 17                (a) The limited liability entity tax credit permitted by KRS 141.0401;
- 18                (b) The economic development credits computed under KRS 141.347, 141.381,
- 19                        141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-
- 20                        207, and 154.12-2088;
- 21                (c) The qualified farming operation credit permitted by KRS 141.412;
- 22                (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 23                (e) The health insurance credit permitted by KRS 141.062;
- 24                (f) The tax paid to other states credit permitted by KRS 141.070;
- 25                (g) The credit for hiring the unemployed permitted by KRS 141.065;
- 26                (h) The recycling or composting equipment credit permitted by KRS 141.390;
- 27                (i) The tax credit for cash contributions in investment funds permitted by KRS

- 1           154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS  
2           154.20-258;
- 3           (j) The research facilities credit permitted by KRS 141.395;
- 4           (k) The employer High School Equivalency Diploma program incentive credit  
5           permitted under KRS 151B.402;
- 6           (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 7           (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 8           (n) The clean coal incentive credit permitted by KRS 141.428;
- 9           (o) The ethanol credit permitted by KRS 141.4242;
- 10          (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 11          (q) The energy efficiency credits permitted by KRS 141.436;
- 12          (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 13          (s) The Endow Kentucky credit permitted by KRS 141.438;
- 14          (t) The New Markets Development Program credit permitted by KRS 141.434;
- 15          (u) The distilled spirits credit permitted by KRS 141.389;
- 16          (v) The angel investor credit permitted by KRS 141.396;
- 17          (w) The film industry credit permitted by KRS 141.383 for applications approved  
18          on or after April 27, 2018, but before January 1, 2022;
- 19          (x) The inventory credit permitted by KRS 141.408;~~and~~
- 20          (y) The renewable chemical production credit permitted by KRS 141.4231; **and**
- 21          **(z) The electric vehicle infrastructure tax credit permitted by Section 1 of this**  
22             **Act.**
- 23          (2) After the application of the nonrefundable credits in subsection (1) of this section,  
24          the nonrefundable personal tax credits against the tax imposed by KRS 141.020  
25          shall be taken in the following order:
- 26          (a) The individual credits permitted by KRS 141.020(3);
- 27          (b) The credit permitted by KRS 141.066;

- 1 (c) The tuition credit permitted by KRS 141.069;
- 2 (d) The household and dependent care credit permitted by KRS 141.067;
- 3 (e) The income gap credit permitted by KRS 141.066; and
- 4 (f) The Education Opportunity Account Program tax credit permitted by KRS
- 5 141.522.
- 6 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 7 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 8 taken in the following order:
- 9 (a) The individual withholding tax credit permitted by KRS 141.350;
- 10 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 11 (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
- 12 171.397(1)(b);
- 13 (d) The film industry tax credit permitted by KRS 141.383 for applications
- 14 approved prior to April 27, 2018, or on or after January 1, 2022; and
- 15 (e) The development area tax credit permitted by KRS 141.398.
- 16 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
- 17 tax imposed by KRS 141.040.
- 18 (5) The following nonrefundable credits shall be applied against the sum of the tax
- 19 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
- 20 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 21 (a) The economic development credits computed under KRS 141.347, 141.381,
- 22 141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-
- 23 207, and 154.12-2088;
- 24 (b) The qualified farming operation credit permitted by KRS 141.412;
- 25 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 26 (d) The health insurance credit permitted by KRS 141.062;
- 27 (e) The unemployment credit permitted by KRS 141.065;

- 1 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 2 (g) The coal conversion credit permitted by KRS 141.041;
- 3 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods  
4 ending prior to January 1, 2008;
- 5 (i) The tax credit for cash contributions to investment funds permitted by KRS  
6 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS  
7 154.20-258;
- 8 (j) The research facilities credit permitted by KRS 141.395;
- 9 (k) The employer High School Equivalency Diploma program incentive credit  
10 permitted by KRS 151B.402;
- 11 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 12 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 13 (n) The clean coal incentive credit permitted by KRS 141.428;
- 14 (o) The ethanol credit permitted by KRS 141.4242;
- 15 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 16 (q) The energy efficiency credits permitted by KRS 141.436;
- 17 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit  
18 permitted by KRS 141.437;
- 19 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 20 (t) The railroad expansion credit permitted by KRS 141.386;
- 21 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 22 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 23 (w) The distilled spirits credit permitted by KRS 141.389;
- 24 (x) The film industry credit permitted by KRS 141.383 for applications approved  
25 on or after April 27, 2018, but before January 1, 2022;
- 26 (y) The inventory credit permitted by KRS 141.408;
- 27 (z) The renewable chemical production tax credit permitted by KRS 141.4231;

1           ~~{and}~~

2           (aa) The Education Opportunity Account Program tax credit permitted by KRS  
3           141.522; and

4           *(ab) The electric vehicle infrastructure tax credit permitted by Section 1 of this*  
5           *Act.*

6           (6) After the application of the nonrefundable credits in subsection (5) of this section,  
7           the refundable credits shall be taken in the following order:

8           (a) The corporation estimated tax payment credit permitted by KRS 141.044;

9           (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and  
10           171.397(1)(b); and

11           (c) The film industry tax credit permitted by KRS 141.383 for applications  
12           approved prior to April 27, 2018, or on or after January 1, 2022.

13           ➔Section 3. KRS 131.190 is amended to read as follows:

14           (1) No present or former commissioner or employee of the department, present or  
15           former member of a county board of assessment appeals, present or former property  
16           valuation administrator or employee, present or former secretary or employee of the  
17           Finance and Administration Cabinet, former secretary or employee of the Revenue  
18           Cabinet, or any other person, shall intentionally and without authorization inspect or  
19           divulge any information acquired by him or her of the affairs of any person, or  
20           information regarding the tax schedules, returns, or reports required to be filed with  
21           the department or other proper officer, or any information produced by a hearing or  
22           investigation, insofar as the information may have to do with the affairs of the  
23           person's business.

24           (2) The prohibition established by subsection (1) of this section shall not extend to:

25           (a) Information required in prosecutions for making false reports or returns of  
26           property for taxation, or any other infraction of the tax laws;

27           (b) Any matter properly entered upon any assessment record, or in any way made

- 1 a matter of public record;
- 2 (c) Furnishing any taxpayer or his or her properly authorized agent with  
3 information respecting his or her own return;
- 4 (d) Testimony provided by the commissioner or any employee of the department  
5 in any court, or the introduction as evidence of returns or reports filed with the  
6 department, in an action for violation of state or federal tax laws or in any  
7 action challenging state or federal tax laws;
- 8 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or  
9 energy resources assessed under KRS 132.820, or owners of surface land  
10 under which the unmined minerals lie, factual information about the owner's  
11 property derived from third-party returns filed for that owner's property, under  
12 the provisions of KRS 132.820, that is used to determine the owner's  
13 assessment. This information shall be provided to the owner on a confidential  
14 basis, and the owner shall be subject to the penalties provided in KRS  
15 131.990(2). The third-party filer shall be given prior notice of any disclosure  
16 of information to the owner that was provided by the third-party filer;
- 17 (f) Providing to a third-party purchaser pursuant to an order entered in a  
18 foreclosure action filed in a court of competent jurisdiction, factual  
19 information related to the owner or lessee of coal, oil, gas reserves, or any  
20 other mineral resources assessed under KRS 132.820. The department may  
21 promulgate an administrative regulation establishing a fee schedule for the  
22 provision of the information described in this paragraph. Any fee imposed  
23 shall not exceed the greater of the actual cost of providing the information or  
24 ten dollars (\$10);
- 25 (g) Providing information to a licensing agency, the Transportation Cabinet, or  
26 the Kentucky Supreme Court under KRS 131.1817;
- 27 (h) Statistics of gasoline and special fuels gallonage reported to the department

- 1 under KRS 138.210 to 138.448;
- 2 (i) Providing any utility gross receipts license tax return information that is  
3 necessary to administer the provisions of KRS 160.613 to 160.617 to  
4 applicable school districts on a confidential basis;
- 5 (j) Providing documents, data, or other information to a third party pursuant to an  
6 order issued by a court of competent jurisdiction; or
- 7 (k) Providing information to the Legislative Research Commission under:
- 8 1. KRS 139.519 for purposes of the sales and use tax refund on building  
9 materials used for disaster recovery;
- 10 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 11 3. KRS 141.437 for purposes of the ENERGY STAR home and the  
12 ENERGY STAR manufactured home credits;
- 13 4. KRS 141.383 for purposes of the film industry incentives;
- 14 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization  
15 tax credits and the job assessment fees;
- 16 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 17 7. KRS 141.396 for purposes of the angel investor tax credit;
- 18 8. KRS 141.389 for purposes of the distilled spirits credit;
- 19 9. KRS 141.408 for purposes of the inventory credit;
- 20 10. KRS 141.390 for purposes of the recycling and composting credit;
- 21 11. KRS 141.3841 for purposes of the selling farmer tax credit;
- 22 12. KRS 141.4231 for purposes of the renewable chemical production tax  
23 credit;
- 24 13. KRS 141.524 for purposes of the Education Opportunity Account  
25 Program tax credit;
- 26 14. KRS 141.398 for purposes of the development area tax credit; ~~and~~
- 27 15. KRS 139.516 for the purposes of the sales and use tax exemption on the

1 commercial mining of cryptocurrency; and

2 15. Section 1 of this Act for the purposes of the electric vehicle  
3 infrastructure tax credit.

- 4 (3) The commissioner shall make available any information for official use only and on  
5 a confidential basis to the proper officer, agency, board or commission of this state,  
6 any Kentucky county, any Kentucky city, any other state, or the federal government,  
7 under reciprocal agreements whereby the department shall receive similar or useful  
8 information in return.
- 9 (4) Access to and inspection of information received from the Internal Revenue Service  
10 is for department use only, and is restricted to tax administration purposes.  
11 Information received from the Internal Revenue Service shall not be made available  
12 to any other agency of state government, or any county, city, or other state, and shall  
13 not be inspected intentionally and without authorization by any present secretary or  
14 employee of the Finance and Administration Cabinet, commissioner or employee of  
15 the department, or any other person.
- 16 (5) Statistics of crude oil as reported to the department under the crude oil excise tax  
17 requirements of KRS Chapter 137 and statistics of natural gas production as  
18 reported to the department under the natural resources severance tax requirements  
19 of KRS Chapter 143A may be made public by the department by release to the  
20 Energy and Environment Cabinet, Department for Natural Resources.
- 21 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map  
22 submissions for the 1989 tax year, the department may make public or divulge only  
23 those portions of mine maps submitted by taxpayers to the department pursuant to  
24 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-  
25 out parcel areas. These electronic maps shall not be relied upon to determine actual  
26 boundaries of mined-out parcel areas. Property boundaries contained in mine maps  
27 required under KRS Chapters 350 and 352 shall not be construed to constitute land

- 1 surveying or boundary surveys as defined by KRS 322.010 and any administrative
- 2 regulations promulgated thereto.